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JUN 14 2004

#14

PATENT 09/303,053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(I.H.T.I.G No. 03,112)

In re Application of:

Davida et al.

Serial No. 09/303,053

Filed: April 30, 1999

For: System and Method For  
Authenticated and Private  
Preserving Biometric  
Identification Systems

) Examiner: Vikkram Bali

) Group Art Unit: 2623

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JUN 16 2004

**OFFICE OF PETITIONS**

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JUN 29 2004

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2000

Mail Stop: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**FACSIMILE TRANSMITTAL LETTER**  
**(12 Total Pages Including this Facsimile Transmittal Letter)**

1. We are transmitting herewith the attached papers for the above identified patent application:

- ☒ Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181(a)  
Petition to Revive Abandoned Application Under 37 C.F.R. 1.137(b)  
For Notice of Abandonment Mailed May 19, 2004 (3 pages)

- ☒ EXHIBIT A (8 Pages)

2. FEES: No additional fees are required.


3. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Should this assumption be incorrect, please charge any additional fees or credit overpayment to Deposit Account No. 50-2281 for the Lesavich High-Tech Law Group, PC (32097).

4. **CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8:** The undersigned hereby certifies that this transmittal letter and the papers, as described in paragraph 1 hereinabove, are being facsimile transmitted to the Patent and Trademark Office, (Office of Petitions, Fax No. 703-872-9306) on this 4<sup>th</sup> day of June, 2004

Respectfully submitted,

Lesavich High-Tech Law Group, P.C.

Date: June 14, 2004

  
Stephen Lesavich, PhD  
Registration No. 43,749

JUN 14 2004

Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181(a)  
Petition to Revive Abandoned Application Under 37 C.F.R. 1.137(b)  
For Notice of Abandonment Mailed May 19, 2004  
PATENT 09/303,053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(LHTLG No. 03,112)

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JUN 16 2004

In re Application of:

**Davida et al.**

Serial No. **09/303,053**

Filed: **April 30, 1999**

For: **System and Method For  
Authenticated and Private  
Preserving Biometric  
Identification Systems**

) Examiner: **Vikkram Bali**

) Group Art Unit: **2623**

) Confirmation No. **7831**

OFFICE OF PETITIONS

Mail Stop: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**Petition to Withdraw Holding Abandonment under 37 C.F.R. § 1.181(a)**

**and/or, in the alternative,**

**Petition to Revive Abandoned Application under 37 C.F.R. § 1.137(b)**

The Applicant hereby petitions withdrawal of holding of abandonment under 37 C.F.R. § 1.181(a) of this patent application, or, in the alternative, petitions under 37 C.F.R. § 1.137(b) to revive the instant application, which became abandoned allegedly for failure to respond to a Notice to File Missing Parts of Application (CPA) mailed August 18, 2003.

The Applicant received a Notice of Abandonment mailed **May 19, 2004**. The Applicant is filing this petition within one month of receiving the Notice of Abandonment and this therefore timely filed.

1 of 3

LESAVICH HIGH-TECH  
LAW GROUP, P.C.  
SUITE 325  
39 SOUTH LABALLE STREET  
CHICAGO, ILLINOIS 60603  
TELEPHONE (312) 332-3751

**Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181(a)  
Petition to Revive Abandoned Application Under 37 C.F.R. 1.137(b)  
For Notice of Abandonment Mailed May 19, 2004  
PATENT 09/303,053**

The Applicant respectfully submits that a proper and timely response including a Transmittal cover sheet, a Response To Notice to File Missing Parts of Application (CPA) Mailed August 18, 2003 (1 page), Copy of Notice to File Missing Parts (2 pages) a check for \$375 for basic filing fee and a check for \$65 for the missing parts surcharge were timely filed by Express Mail on September 12, 2003. Photocopies of all of the documents submitted on September 12, 2003, are attached hereto as Exhibit A.

These include:

1. Copy of the USPTO NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA).
2. Copy of USPTO Transmittal Letter mailed August 18, 2003 attached to Copy of NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA).
3. Copy of Applicant's Transmittal Letter filed by Express Mail on September 12, 2003.
4. Copy of Applicant's Response To Notice to Filing Missing Parts of Application (CPA) mailed August 18, 2003.
5. Copy of two canceled checks cashed by the USPTO on September 17, 2003.
6. Copy of return postcard with USPTO stamp indicating receipt of RESPONSE TO NOTICE TO FILING MISSING PARTS OF APPLICATION (CPA) mailed August 18, 2003 (1 page), COPY OF NOTICE TO FILE MISSING PARTS (2 pages), and a fee check in the amount of \$440.00
7. Copy of Express Mail Certificate indicating an acceptance date of September 12, 2003, by the U.S. Post Office in Chicago, IL.

The copy of the Express Mail Certificate indicates an acceptance date of September 12, 2003, by the U.S. Post Office in Chicago, Illinois. It appears that the documents included in Exhibit A were given a filing date by the USPTO of September 12, 2003 as is indicated by the original USPTO date stamp on the return receipt postcard. The USPTO cashed the two checks included by the Applicant on September 17, 2003. See Exhibit A.

Applicant submits the papers in Exhibit A where timely filed. The Notice to File Missing Parts was mailed on August 18, 2003. The Notice indicated that the Response must be filed within two months or by October 18, 2003. The Applicant filed the Response within one month or by September 12, 2003. Thus, no extensions of time were required for the response and none were submitted by the Applicant.

2 of 3

LESAVICH HIGH-TECH  
LAW GROUP, P.C.  
SUITE 225  
39 SOUTH LASALLE STREET  
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TELEPHONE (312) 322-3751

**Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181(a)  
Petition to Revive Abandoned Application Under 37 C.F.R. 1.137(b)  
For Notice of Abandonment Mailed May 19, 2004  
PATENT 09/303,053**

In a telephone conversation with Examiner Bail on May 24, 2004, the Examiner indicated that he had never seen papers described in Exhibit A and the papers were probably lost during the recent move of the USPTO to a new building.

In view of the fact that the papers described in Exhibit A constituted a complete response to the Notice to File Missing Parts of Application mailed August 18, 2003, and the USPTO cashed the Applicant checks, and returned a stamped postcard to the Applicant stamped September 12, 2003 the Applicant respectfully submits that a proper response to the Notice was timely and properly filed. Accordingly, it is requested that this patent application be immediately revived without additional petition or additional petition fee.

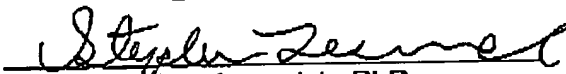
If, however, the USPTO determines that a petition to revive is necessary, then the Applicants hereby petitions under 37 C.F.R. § 1.137(b) for revival of this patent application. Pursuant to 37 C.F.R. § 1.137(b)(1), the required reply to the Notice is included in Exhibit A hereto. The Applicant submits no further fees are necessary. However, pursuant to 37 C.F.R. § 1.137(b)(2), the USPTO is authorized to charge Deposit Account No. 50-2281 for the Lesavich High-Tech Law Group, PC (32097) for all necessary fees, including any petition fees as set forth in 37 C.F.R. § 1.17(m).

Pursuant to 37 C.F.R. § 1.137(b)(3), the undersigned hereby states that the entire delay in filing the required reply until the filing of a grantable petition was unintentional since the Applicant received verification via return postcard that the USPTO had received the papers and cashed the Applicant's checks described in Exhibit A, even though the UPSTO subsequently lost the papers filed by the Applicant.

If there are any questions or comments regarding this paper or application, the Patent Office is encouraged to contact the undersigned attorney as indicated below.

Respectfully submitted.  
Lesavich High-Tech Law Group, PC (32097)

Dated: June 14, 2004

  
Stephen Lesavich, PhD  
Reg. No. 43,749

3 of 3

LESVICH HIGH-TECH  
LAW GROUP, P.C.  
SUITE 325  
39 SOUTH LASALLE STREET  
CHICAGO, ILLINOIS 60603  
TELEPHONE (312) 332-3751

PATENT 09/303,053  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(LHTLG No. 03,112)

In re Application of:

Davida et al.

Serial No. 09/303,053

Filed: April 30, 1999

For: System and Method For  
Authenticated and Private  
Preserving Biometric  
Identification Systems

) Examiner: Vikkram Bah

) Group Art Unit: 2623

) Confirmation No. 7831



Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**TRANSMITTAL LETTER**

1. We are transmitting herewith the attached papers for the above identified patent application:

☒ RESPONSE TO NOTICE TO FILING MISSING PARTS OF APPLICATION  
(CPA) MAILED AUGUST 18, 2003 (1 page)

☒ COPY OF NOTICE TO FILE MISSING PARTS (2 pages)

2. **FEES:** A check for \$375 for basic filing fee as a small entity and a check for \$65 for the missing parts surcharge for a small entity.

3. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** No other fees are required. Should this assumption be incorrect Please charge any additional fees or credit overpayment to Deposit Account No. 50-2281 for the Lesavich High-Tech Law Group, PC.

4. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as Express Mail Post Office to Addressee, Express Mail No. EV338119507US on September 12, 2003, in an envelope addressed to: Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

Respectfully submitted,

Lesavich High-Tech Law Group, P.C.



32097

PATENT TRADEMARK OFFICE

Date: September 12, 2003

A handwritten signature in black ink, appearing to read "Stephen Lesavich".  
Stephen Lesavich, PhD  
Registration No. 43,749



UNITED STATES POSTAL SERVICE

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Destination: 22313  
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Total Cost: 13.65  
Base Rate: 13.65  
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Subtotal 13.65  
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TO: LESAVICH LAW GROUP  
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Mailing Label  
Label 11-F June 2002

EV 335119507 US



Hon. Commissioner of  
Patents and Trademarks -  
Re: Applicant - Davida et al.

Atty SL

Application No. 09/303,053

Case No. 03,112

**SYSTEM AND METHOD FOR AUTHENTICATE AND PRIVATE PRESERVING  
BIOMETRIC IDENTIFICATION SYSTEMS**

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

- ☒ RESPONSE TO NOTICE TO FILING MISSING PARTS OF APPLICATION (CPA) MAILED  
AUGUST 18, 2003 (1 page)
- ☒ COPY OF NOTICE TO FILING MISSING PARTS (2 pages)

Hon. Commissioner of  
Patents and Trademarks -

Re: Applicant - Davida et al.

Application No. 09/303,053

Atty SL

**SYSTEM AND METHOD FOR AUTHENTICATE AND PRIVATE PRESERVING  
BIOMETRIC IDENTIFICATION SYSTEMS**

Case No. 03,112

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

- ☒ RESPONSE TO NOTICE TO FILING MISSING PARTS OF APPLICATION (CPA) MAILED  
AUGUST 18, 2003 (1 page)
- ☒ COPY OF NOTICE TO FILING MISSING PARTS (2 pages)

Date Mailed: September 12, 2003

Fee Enclosed  
\$440.00



Respectfully,  
LESAVICH HIGH-TECH LAW GROUP  
Attorney for Applicant

EV338119507US

06/14/2004 15:31

3123323752

LESAVICH LAW GROUP

PAGE 08/12

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address COMMISSIONER FOR PATENTS  
P.O. Box 1470  
Alexandria, Virginia 22312-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/303,053	04/30/1999	GEORGE L DAVITA	G0635/7004	7831

32097 7390 08/18/2003  
LESAVICH HIGH-TECH LAW GROUP, P.C.  
SUITE 325  
19 S. LASALLE STREET  
CHICAGO, IL 60603

EXAMINED  
BALL, VIKRAM

ART UNIT PAPER NUMBER  
2623

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**RECEIVED****AUG 18 2003**





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	FILING /RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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DATE MAILED:

**NOTICE TO FILING MISSING PARTS OF APPLICATION (CPA)**  
*Filing Date Granted*

The Continued Prosecution Application (CPA) request filed on April 30 1999 is entitled to a filing date under 37 CFR 1.53(d)(1). The CPA request, however, lacks the filing fee(s) and/or items indicated below.

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the fee(s), item(s), and any surcharge required below to avoid abandonment of this CPA. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below.

☐ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

(a) Applicant must submit \$ 740.00 to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$ \_\_\_\_\_ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)).

(b) Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e).

☐ 2. Additional claim fees of

\$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for \_\_\_\_\_ independent claims over 3.  
\$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for \_\_\_\_\_ claims over 20.  
\$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21 (m)).

☐ 4. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request.

☐ 5. Other: \_\_\_\_\_

**A copy of this Notice MUST be returned with the reply.**

Direct the reply and any questions about this Notice to:

ERIC DAVIS  
Examining Group \_\_\_\_\_

(703) 302- 6054

PATENT 09/303,053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(LHTLG No. 03,112)

In re Application of:

Davida et al.

Serial No. 09/303,053

Filed: April 30, 1999

For: System and Method For  
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Identification Systems

) Examiner: Vikkram Bali

) Group Art Unit: 2623

) Confirmation No. 7831

Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**RESPONSE TO NOTICE TO FILING MISSING PARTS OF APPLICATION (CPA)**  
**MAILED AUGUST 18, 2003**


In response to the Notice to File Missing Parts of Application (CPA) mailed August 18, 2003, enclosed please find a check for \$375.00 to complete the basic filing fee as a Small Entity. Also, enclosed please find a check in the amount of \$65.00 for the missing parts surcharge for a Small Entity.

No other fees are required. If this assumption is incorrect, please charge any additional fees or credit any overpayments to Deposit Account No. 50-2281 for the Lesavich High-Tech Law Group, PC.

Respectfully submitted,

Lesavich High-Tech Law Group, P.C.

Date: September 12, 2003

  
Stephen Lesavich, PhD  
Registration No. 42,749

1.

LESAVICH HIGH-TECH  
LAW GROUP, P.C.  
SUITE 328  
39 SOUTH LA SALLE STREET  
CHICAGO, ILLINOIS 60603

32097 1611

LESAVICH HIGH-TECH LAW GROUP, P.C.  
39 S. LA SALLE STREET, SUITE 1120  
CHICAGO, IL 60603

DATE 09/12/2003

PAY TO THE ORDER OF Commissioner for Patents

\$ 375.00

THREE HUNDRED SEVENTY FIVE DOLLARS

HARRIS BANK  
Harris Trust and Savings Bank  
Main  
111 W. Monroe  
Chicago, Illinois 60603

FOR 09/303,053 application fee

STEPHEN LESAVICH

100000037500

32097 1612

LESAVICH HIGH-TECH LAW GROUP, P.C.  
39 S. LA SALLE STREET, SUITE 1120  
CHICAGO, IL 60603

DATE 09/12/2003

PAY TO THE ORDER OF Commissioner for Patents

\$ 65.00

SIXTY FIVE DOLLARS

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Chicago, Illinois 60603

FOR 09/303,053 missing parts surcharge

STEPHEN LESAVICH

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ENT-0659 TMC  
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1070 PF=10  
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13-10-0001  
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U.S. TREASURY

PATENT AND TRADEMARK OFFICE  
13-10-0001  
09-17-2003  
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U.S. TREASURY